

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE  
SEC Pimlico Road and Wood Box Lane  
Falls Gable  
3rd Election District  
2nd Councilmanic District  
Falls Gable Limited Partnership  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-92-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Zoning Variance and Petition for Special Hearing for the residential subdivision known as Falls Gable located near the intersection of Old Pimlico Road and Wood Box Lane in western Baltimore County.

The Petition is filed by the property owner, Frank J. Malacane. Therein, relief is requested from Section 1801.2.C.2.b (V.B.6.C,CMCP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a window to window setback of 20 ft. in lieu of the required 40 ft. between the existing clubhouse and Phase 5 (Building 5); from Section 1801.2.C.1 (V.B.3.6, CMCP) to permit a height to height setback of 20 ft. in lieu of the required 60 ft. between the existing club house and Phase 5 (Bldg. 5); from Section 1801.2.C.3 (V.B.9 CMCP) to permit a setback of 45 ft. from a building to center line of an existing street in lieu of the required 50 ft. Also requested is an amendment to the Second Amended Final Development Plan for Falls Gable.

Appearing at the public hearing held for this case was the property owner/petitioner, Frank J. Malacane. Also appearing was the Project Engineer, Rick Chadsey of George W. Stephens and Associates. The Petitioner was represented by Benjamin Bronstein, Esquire. Appearing as interested persons were Lois McCall, Laurie Segall, Samuel Fleishman, Leonard

Krivisky, Debra Smith and Pat Drasey. These individuals all reside nearby and represented the Falls Gable Condominium Association, Falls Garden Association and/or the Falls Homeowners Association.

Testimony and evidence presented was that the subject site is a substantially sized property which has been improved as a residential condominium subdivision. The project apparently received initial CRG approval on September 8, 1988. The Petitioner's Exhibit No. 2, the final development plan for the subdivision, shows that the site has been largely built out and contains numerous condominium buildings as well as related recreational facilities.

The requested variances are shown on Petitioner's Exhibit No.1, the site plan. Two of the variances relate to the existing club house structure and Phase 5 (also known as Building No. 5). Building No. 5 is not, as yet, completed but will be constructed within the envelope shown on the Final Development Plan. Apparently, when the club house was constructed, it was not located in the exact location where originally shown on the CRG plan. Rather, the club house was actually built at a point east of its proposed location. As a result of this construction, the Petitioner requests variances from Section 1801.2.C.2.b and 1801.2.C.1 as to window to window setbacks and height to height setbacks. It is to be noted that the old version of the Comprehensive Manual of Development Policy (CMCP) is applicable to this site in that the project was approved when that manual was in effect. The manual was subsequently amended in 1992.

As to the third variance requested, it is likewise minor in nature. It relates to the location of Phase 7 (Building 7) as related to Wood Box Lane. As shown on the site plan, a corner of the building will be 45 ft. from the road centerline in lieu of the required 50 ft. The Petitioner noted that if the proposed variances were denied, relocation of the exist-

-2-

ing buildings would be required. Moreover, in context of the development of the entire site, the variances are minor in scope and nature. Clearly, there are consistent with the spirit of the B.C.Z.R. and a granting of same will not detrimentally affect the surrounding locale.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Moreover, it is clear that an amendment to the final development plan complies with the requirements set forth in Section 502.1 of the B.C.Z.R. and will not be detrimental to the health, safety and general welfare of this locale.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 18<sup>th</sup> day of October, 1993 that a Petition for Variance from Section 1801.2.C.2.b (V.B.6.C,CMCP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a window to window setback of 20 ft. in lieu of the required 40 ft. between the existing clubhouse and Phase 5 (Building 5), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.1 (V.B.3.6, CMCP) to permit a height to height setback of 20 ft. in lieu of

-3-

the required 60 ft. between the existing club house and Phase 5, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.3 (V.B.9 CMCP) to permit a setback of 45 ft. from a building to center line of an existing street in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that approval for an additional amendment to the Second Amended Final Development Plan for Falls Gable, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein.

1. The Petitioner is hereby made aware that proceeding at this time in at his own risk until such time as the 30 day appeal period from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmitt  
Zoning Commissioner for  
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 10/18/93  
By [Signature]

-4-

ATTACHMENT A 94-92-SPHA

1801.2.C.2b (V.B.6.C CMCP) to permit a window to window setback of 20ft in lieu of the required 40 ft between the existing club house and Phase 5; from Section 1801.2.C.1 (V.B.3.6. CMCP) to permit a height to height setback of 20 ft in lieu of the required 60 ft between the existing club house and Phase 5; from Section 1801.2.C.3 (V.B.9 CMCP) to permit a setback of 45 ft from a building to center line of an existing street in lieu of the required 50 ft and to amend the Second Amended Final Development Plan for Falls Gables.

ATTACHMENT B 94-92-SPHA

1. Configuration of site
2. Such other and further relief as may be demonstrated at the time of hearing.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 18, 1993

Benjamin Bronstein, Esquire  
29 West Susquehanna Avenue  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance  
Case No. 94-92-SPHA  
Falls Gable Limited Partnership, Petitioner

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMITT  
Zoning Commissioner  
for Baltimore County

LES:mmn

cc: Mr. Frank J. Malacane  
Falls Gable Limited Partnership  
6820 Elm Street  
McLean, Virginia 22101

cc: Ms. Lois McCall, Falls Garden Association  
Ms. Laurie Segall, Falls Homeowners Association  
Mr. Leonard Krivisky, Falls Gable Condominium Assoc.



Petition for Variance  
AND SPECIAL HEARING  
to the Zoning Commissioner of Baltimore County  
for the property located at Old Pimlico Road and Wood Box Lane  
which is presently zoned DR 16.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(SEE ATTACHED)  
A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

(SEE ATTACHED)  
B

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner

Benjamin Bronstein

(Type or Print Name)

Signature

6820 Elm Street 703-827-5045

McLean Virginia 22101

Home, Address and phone number of legal owner, contract purchaser or representative to be contacted

29 West Susquehanna Avenue 296-0200

Towson Suite 205 Phone No.

Towson Maryland 21204

City State Zip

Why do you solemnly declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Frank J. Malacane

(Type or Print Name)

Signature

Falls Gable L.P., Owner

Gable Dev. Co. Gen. Part

Senior Vice-President &

President of Falls Gable

Condo. Association

(Type or Print Name)

Signature

6820 Elm Street 703-827-5045

McLean Virginia 22101

Home, Address and phone number of legal owner, contract purchaser or representative to be contacted

ATTY.

Name

Address

City State Zip

OFFICIAL USE ONLY

RECEIVED DATE OF HEARING

DATE 10-25-93

RECEIVED BY JLM

DATE 10-25-93

90

GEORGE WILLIAM STEPHENS JR. & ASSOCIATES, INC.  
PLANNERS  
3000 NORTH GLENN STREET, SUITE 200, TOWSON, MARYLAND 21204

94-92-SPHA

Description to accompany Variance Petition  
Falls Gable, Old Pimlico Road

August 11, 1993

Beginning for the same at a point in the bed of Old Pimlico Road, said point being South 9 degrees 30 minutes West 114 feet from the point formed by the intersection of the centerline of Old Pimlico Road with the centerline of Woodbox Lane, running thence leaving said point of beginning, the following 29 courses:

- 1) Leaving the road bed of Old Pimlico Road, North 58 degrees 27 minutes 30 seconds East 47.38 feet.
- 2) North 34 degrees 30 minutes 30 seconds East 48.36 feet.
- 3) North 43 degrees 26 minutes 29 seconds East 97.73 feet.
- 4) North 47 degrees 26 minutes 29 seconds East 49.15 feet.
- 5) North 50 degrees 18 minutes 30 seconds East 50.87 feet.
- 6) North 54 degrees 59 minutes 29 seconds East 100.59 feet.
- 7) North 55 degrees 44 minutes 30 seconds East 74.96 feet.
- 8) North 77 degrees 17 minutes 29 seconds East 54.07 feet.
- 9) South 17 degrees 15 minutes 31 seconds East 346.59 feet.
- 10) North 02 degrees 44 minutes 29 seconds East 5.00 feet.
- 11) Thence along a 198.72 feet radius curve 74.61 feet having a chord bearing and distance of North 81 degrees 59 minutes 08 seconds East 74.17 feet.
- 12) North 71 degrees 13 minutes 47 seconds East 39.47 feet.
- 13) Thence along a 128.00 feet radius curve 43.62 feet having a chord bearing and distance of North 81 degrees 26 minutes 24 seconds East 43.38 feet.
- 14) South 88 degrees 20 minutes 59 seconds East 151.36 feet.
- 15) Thence along a 137.63 feet radius curve 90.32 feet having a chord bearing and distance of South 69 degrees 32 minutes 58 seconds East 86.71 feet.
- 16) South 50 degrees 44 minutes 58 seconds East 86.21 feet.
- 17) Thence along a 170.00 feet radius curve 44.72 feet having a chord bearing and distance of South 58 degrees 17 minutes 08 seconds East 44.59 feet.
- 18) Thence along a 170.00 feet radius curve 72.81 feet having a chord bearing and distance of South 78 degrees 05 minutes 29 seconds East 72.25 feet.
- 19) North 89 degrees 38 minutes 21 seconds East 183.39 feet.

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Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: 94-92 (7011)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5982 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 3, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 85, 89, 90 and 94.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey Long

Division Chief: Pat Keller

PK/JL:lw

ZACB5.89/PZONE/ZAC1

LAW OFFICES  
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205  
29 WEST SUSQUEHANNA AVENUE  
TOWSON, MARYLAND 21204  
(410) 296-0200  
FAX (410) 296-3719

August 25, 1993

L. ROBERT EVANS  
HARRIS JAMES GEORGE  
BENJAMIN BRONSTEIN

MICHAEL J. CHOMEL  
DOUGLAS A. STUBBS

Arnold Jablon, Director  
Department of Zoning Administration  
and Development Management  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Old Pimlico Road and Wood Box Lane

Dear Mr. Jablon:

Please be advised that this office represents Falls Gable Limited Partnership.

I have enclosed the following:

1. Three copies of Petition for Variance.

2. One copy of the 200 scale zoning map.

3. Three copies of a meets and bounds description under seal.

4. Twelve copies of the variance plat prepared by G.W. Stephens & Associates.

5. My check for costs in the amount of \$285.00.

I would appreciate this matter being placed on the calendar for an expedited hearing.

Thank you for your kind consideration.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg  
Enclosures

Item # 90

94-92 SPHA

10/1/93

Club House is already  
built out

managed by Falls  
Gable

No additional  
density

Bldg in phase 7  
is ~~already~~ being built

7 bldgs under construction

field ~~to~~ survey errors -  
practically impossible

307.1 > compliance  
502.1

OK to grant

PLEASE PRINT CLEARLY

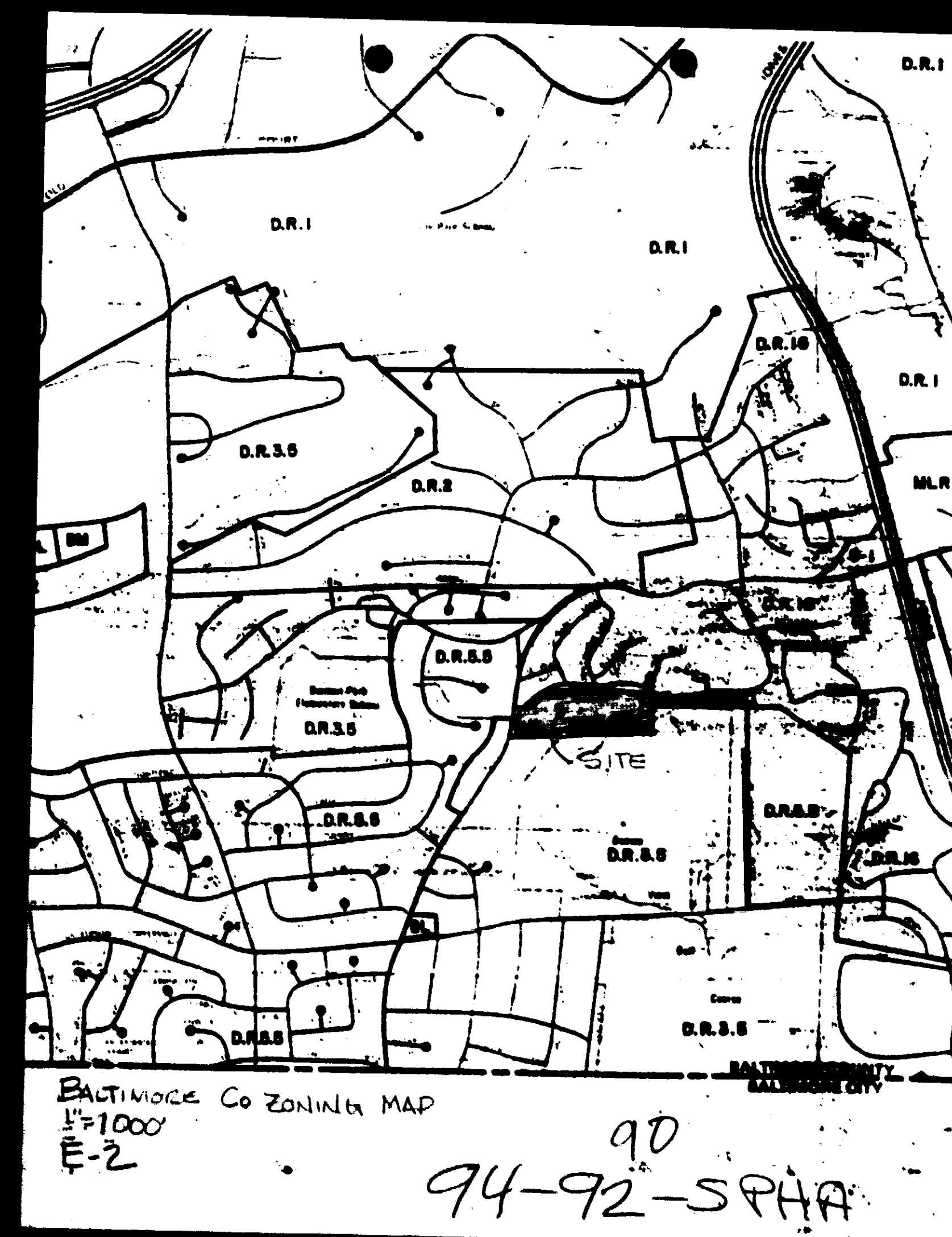
CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Falls Gable - 2400 Falls Rd.	David C. Callaway, Inc.
	107 S. Subrock Ave
	Rt. 170, Box 21208
Little Seagull	2314 Mellow Ct
Falls Homeowners Assoc.	Baltimore, MD 21204
James P. Johnson, President	2400 Falls Rd. Falls Gable
Kenner, Harvick, Condo	2318 Falls Gable Lane
Pat Johnson - Falls Gable	Baltimore, MD 21204
James Conner	107 S. Subrock Ave
	Baltimore, MD 21208

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Ken Johnson	29 W. Susquehanna Ave 21204
Rock CHASEY	658 KENDLEWOOD DR 21204
James MALACARE	6820 Elm St McLean, VA









**RESIDENTIAL TRANSITION AREA**  
 LOTS 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

THE GABLES AT SUMMIT CHASE  
 SECTION ONE, PLAT 2  
 S.M. 58/150

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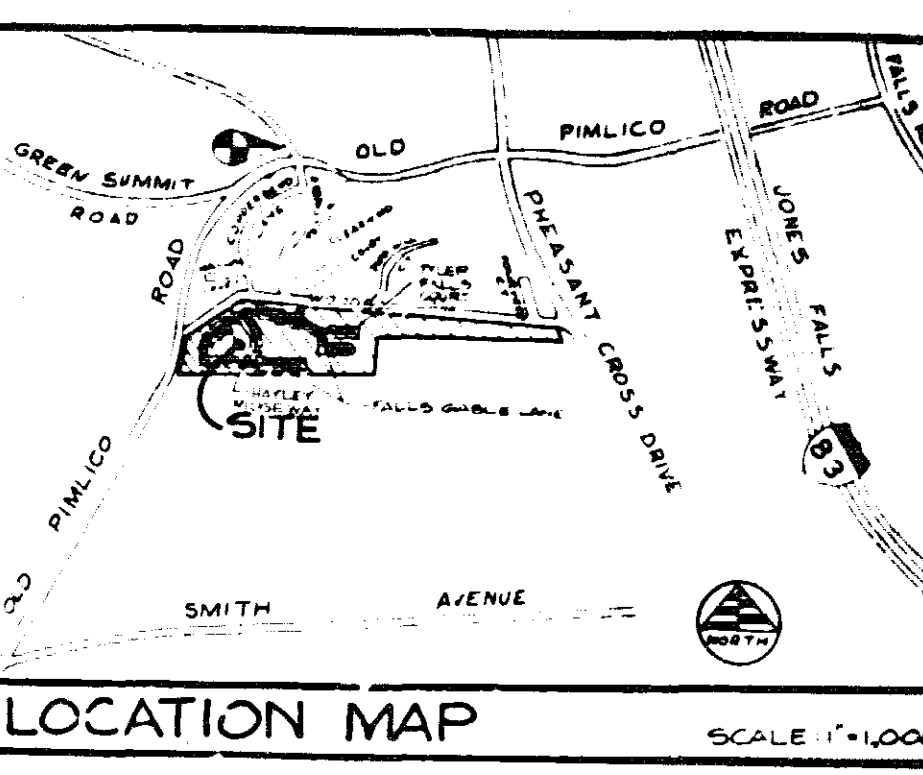
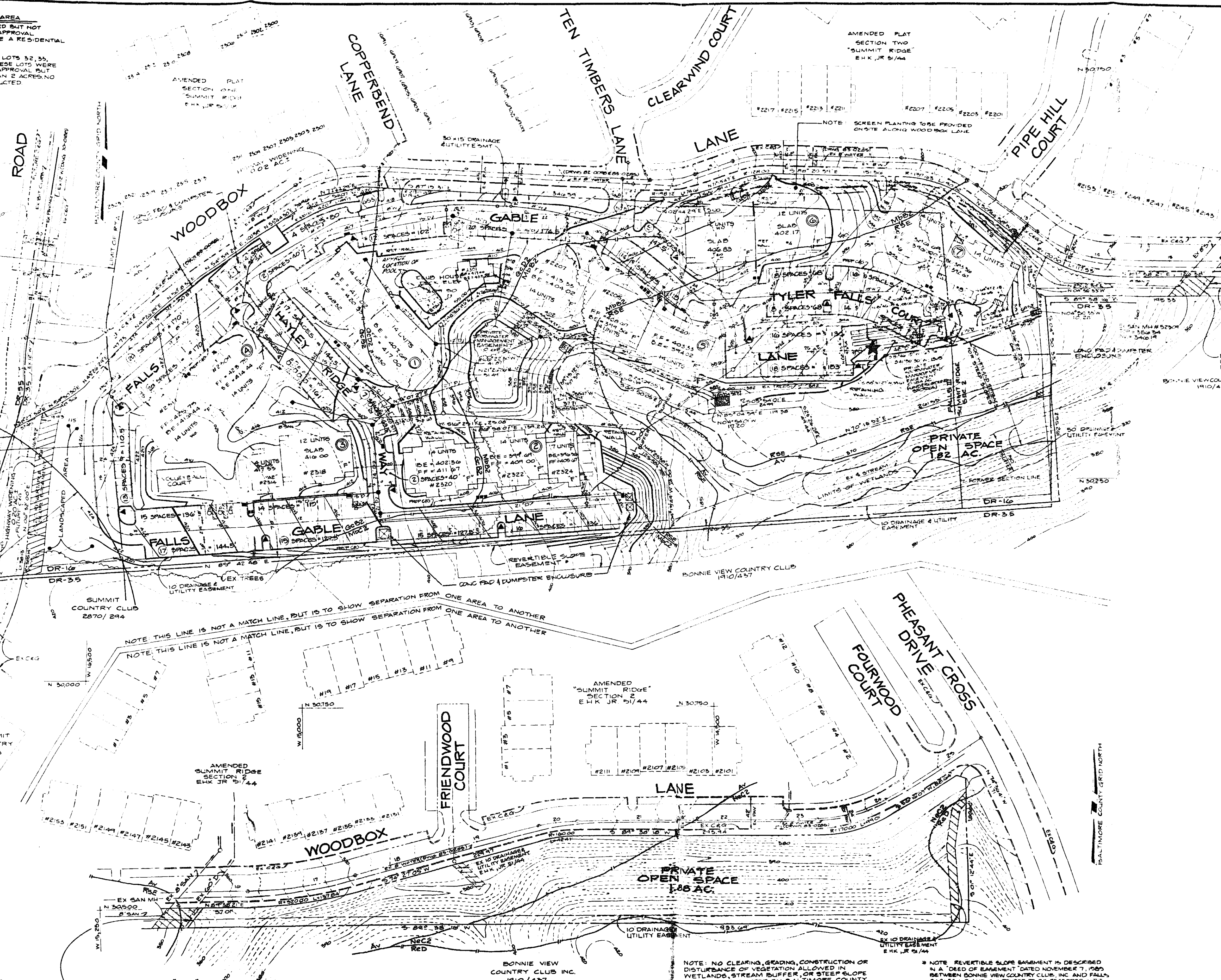
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THE GABLES AT SUMMIT CHASE  
 SECTION ONE, PLAT 2  
 S.M. 58/150

THE GABLES AT SUMMIT CHASE  
 SECTION ONE, PLAT 2  
 S.M. 58/150



MATCH LINE "A-A" SEE THIS SHEET

NOTE CAR WASH AREA

- LEGEND**
- TRACT BOUNDARY
  - ZONING LINE
  - EXISTING WOODS LINE
  - SOIL LINE
  - SALE LINE
  - STORM DRAIN LINE
  - WATER LINE
  - BUILDING ENVELOPE
  - FIRE HYDRANT
  - BITUMINOUS PAVING
  - SIGHT LINE

PETITION FOR SPECIAL HEARING, CASE #00-519-DPM  
 AMENDMENT APPROVED JUNE 27, 1999  
 RESTRICTIONS:

- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner may hereby make aware that pending at this time is at their own risk until such time as the 30-day appeal process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for restoration, and property to its original condition.
- 2) No further development of Parcel A shall be permitted except as specified on Petitioner's Exhibit 1 without benefit of further public hearing.
- 3) Petitioner shall preserve all trees other than those which may be required to be removed during construction of the building designated as Building L on Petitioner's Exhibit 1 in Parcel A. Prior to commencement of construction, Petitioner shall submit for approval by the Zoning Commission and/or the Zoning Commissioner, a site plan showing of the maximum area in Parcel A which will be disturbed.
- 4) Petitioner shall landscape the subject property at a minimum as set forth in Petitioner's Exhibit 1.
- 5) Petitioner shall be responsible for maintaining the landscaping provided. Further, Petitioner and/or its successors in interest shall at all times maintain the remaining open space of Parcel A.
- 6) Prior to the issuance of any permits, Petitioner shall submit for approval by the Zoning Office an updated overall density plan which takes into consideration the density units that will be used in the proposed development, known as Falls Gable, verifying the availability of said units, and those density units remaining to be used.

**3<sup>RD</sup> AMENDED  
 FINAL DEVELOPMENT PLAN  
 FALLS GABLE**  
 (FORMERLY KNOWN AS FALLS III & PORTION OF  
 SUMMIT RIDGE, SEC. II) (APPROVED 9-8-88)  
 ELECTION DISTRICT 3 BALTIMORE CO., MD.  
 SCALE: 1"=50'  
 SHEET 1 OF 2  
 FEBRUARY 28, 1999

**OWNER/DEVELOPER  
 FALLS GABLE  
 LIMITED PARTNERSHIP**  
 6880 BLM STREET  
 MCLEAN, VIRGINIA 22101  
 (703) 847-0000

**PETITIONER'S  
 EXHIBIT NO. 2**

OFFICE OF THE ZONING COMMISSION  
 1000 E. BALTIMORE AVENUE  
 BALTIMORE, MD. 21202  
 DATE: 10/1/99  
 BY: [Signature]  
 DIRECTOR OF PLANNING

PH 7322

**REASONS FOR 2<sup>ND</sup> AMENDMENT OF SEPT. 2, 1993**  
 1. EXISTING CLUB HOUSE WAS CONSTRUCTED OUTSIDE THE  
 BUILDING ENVELOPE SHOWN ON 2<sup>ND</sup> AMENDED F.D.P.

**REASONS FOR 2<sup>ND</sup> AMENDMENT OF DEC. 17, 1990**  
 1. ADDED APPROX. 1.7% LOCATION OF SWIMMING POOL TO  
 CONFORM TO REZONING. 1. AT 314/68 FOLD CHS  
 2. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES  
 3. ALL INTERIOR ROADS SHALL REMAIN PRIVATE  
 4. THERE ARE NO CHANGES TO SHEET 2

**REASONS FOR 1<sup>ST</sup> AMENDMENT OF FEB. 28, 1990**  
 1. REVISED PROPOSED DENSITY UNITS FROM 195.5 TO 202 AND TOTAL UNITS FROM 216 TO 224  
 2. REVISED REQUIRED PARKINGS FROM 544 TO 554 AND PARKINGS PROVIDED FROM 507/225  
 3. REVISED OPEN SPACE REQUIRED FROM 5.22 AC TO 5.00 AC AND PROVIDED FROM 5.78 AC TO 5.71 AC  
 4. REVISED BUILDING TYPES  
 5. REVISED LOCATION OF UNDERGROUND STORM WATER  
 6. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE CHANGES  
 7. ALL INTERIOR ROADS SHALL REMAIN PRIVATE

REVISIONS TO THE 3<sup>RD</sup> FINAL DEVELOPMENT  
 PLAN PREPARED BY:

**EXS**

**EXS**

FOR 2<sup>ND</sup> AMENDED F.D.P. RE: 3/8/99  
**MILLENBERG  
 MOCH & ASSOCIATES, INC.**  
 3300 North Ridge Road, Suite 200, Great Oak, Maryland 21044-3300  
 (301) 461-7777  
 DC 0000 (301) 461-5788